

DISCLAIMER

Proposed Revision to 410 NAC 3 §003 & §004,
to be retitled as 411 NAC 4 & 5,
Logo Signs and TODS Signs

At this time, this electronic filing of the revision does not include:

- "Illustrations 1-14" and "Exhibits A & B" to the Logo Signs regulations (16 pages of figures); and
- "Illustrations 1-12" to the TODS Signs regulations (12 pages of figures).

No revision is proposed to the above figures. The figures will be added shortly. In the meantime, you may request a hard copy. Your patience is appreciated.

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Title ~~410~~ 411- NEBRASKA DEPARTMENT OF ROADS - ~~RIGHT OF WAY~~ TRAFFIC ENGINEERING DIVISION

Chapter ~~3~~ 4 - Sign Permits (Continued) Specific Informational and Business (Logo) Signs

~~003 RULES AND REGULATIONS RELATING TO THE ERECTION AND MAINTENANCE OF SPECIFIC INFORMATIONAL AND BUSINESS (LOGO) SIGNS WITHIN THE RIGHT OF WAY OF THE INTERSTATE AND PRIMARY HIGHWAY SYSTEMS IN THE STATE OF NEBRASKA. 001 GENERAL.~~ These Rules and Regulations are set forth to adopt the requirements of Neb. Rev. Stat., ~~§39-634.01 and 39-634.02~~ §39-204 through 39-206 and the federal requirements ~~regulating~~ governing the erection and maintenance of specific informational and business (logo) signs within the right-of-way of the Interstate and primary highway systems in the State of Nebraska. The requirements set forth by the Federal Highway Administration when authorizing the installation of specific informational and business (logo) signs within the public right of way are to provide a service to the traveling public and not to provide an advertising medium for businesses. Limitations are placed on the number of businesses that can be identified and posted and the number of miles a motorist must travel to find the posted services. All references to Nebraska Revised Statutes refer to the most recently published Reissue or Supplement.

~~003.01~~ 002 DEFINITIONS: For the purpose of these Rules and Regulations the following definitions are provided:

~~003.01A~~ 002.01 "Agent" shall mean a person, corporation, or business that enters into a contract with the Department of Roads for the purpose of operating the specific informational and business (logo) sign program.

~~003.01B~~ 002.02 "Annual Business Sign Fee" shall mean the fair market rental value of the sign site and any cost associated with the fabrication, erection, maintenance or servicing of specific informational and business (logo) signs.

~~003.01C~~ 002.03 "Business (Logo) Sign" shall mean a Type "A" sign that displays the name, brand or trademark of a qualified business, and is attached to a specific informational sign.

~~003.01D~~ 002.04 "Combination Signs" shall mean specific informational signs displaying availability of two types of services. Combination signs may be erected only in remote rural areas, where no more than two qualified businesses are available or will become available within two years, for each of two or more types of services.

~~003.01E~~ 002.05 "Department" shall mean the Nebraska Department of Roads.

~~003.01F~~ 002.06 "District Office" shall mean the headquarters for any one of the eight geographical subdivisions of the Nebraska Department of Roads.

~~003.01G~~ 002.07 "Expressway" shall mean a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

~~003.01G1~~ 002.07A Expressways are subdivided as follows:

~~003.01G1a~~ 002.07A1 Category 1 - Expressways with at-grade intersections only.

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~~003.01G4b~~ 002.07A2 Category 2 - Expressways with at-grade intersections located between interchanges on expressways.

~~003.01H~~ 002.08 "Gore" shall mean the area immediately beyond the divergence of two traveled ways, bounded by the edges of those traveled ways.

~~003.01I~~ 002.09 "Interstate Highway System" shall mean the National System of Interstate and Defense Highways established by the Federal Aid Highway Act of 1956, and defined in Title 23 of the United States Code.

~~003.01J~~ 002.10 "Lease" shall mean the written contract between the Department or the Agent and the owner or responsible operator.

002.11 "MUTCD" refers to the Manual on Uniform Traffic Control Devices and the Nebraska Supplement thereto, adopted in Title 411, Chapter 1, Section 001.01, adopted pursuant to Section 60-6.118 Neb.Rev.Stat.

~~003.01K~~ 002.12 "Notice" shall mean notification by means of certified mail.

~~003.01L~~ 002.13 "Owner" shall mean the holder of fee title or the holder of a leasehold estate from the owner of real property.

~~003.01M~~ 002.14 "Primary Highway System" shall mean roads or streets which have been designated as the Primary Highway System by the Department and approved by the Federal Highway Administration and as shown on the maps provided for in Neb. Rev. Stat., §39-1311. Expressways are a part of the primary system.

~~003.01N~~ 002.15 "Qualified Business" shall mean a business furnishing gas, food, lodging or camping and meeting the criteria established by these Rules and Regulations.

~~003.01O~~ 002.16 "Responsible Operator" shall mean a person or Agent other than an owner who operates a qualified business and who has authority to enter into agreements relevant to matters covered by these Rules and Regulations.

~~003.01P~~ 002.17 "Rural Area" shall mean an area outside of an urban area; except that if the land within the urban area has a character that is sparsely populated, or is primarily devoted to agricultural use, or where the roadside development does not appear to be urban in character, then such land may also be considered rural. The decision of whether specific areas are rural areas under this section shall be made by the Department, and such decision shall be final.

~~003.01Q~~ 002.18 "Specific Informational Signs" (Type B Signs) shall mean signs bearing separately affixed business (logo) signs.

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~~003.01R~~ 002.19 "Supplemental Directional Signs" (Type B Signs) shall mean specific informational signs bearing separately affixed business (logo) signs located adjacent to an exit ramp.

~~003.01S~~ 002.20 "Three meals per day" shall mean that the business shall be open to the public not later than 10:00 a.m. and shall serve, as a minimum, a continental breakfast, lunch, and dinner.

~~003.01T~~ 002.21 "Tire Repair" shall mean the ability to dismount, repair or replace, and remount the tire on the rim or wheel, reinflate to proper air pressure, and replace the wheel on the vehicle. The facilities may be on the premises or available under a written tire repair service contract which provides service within one hour at a reasonable service charge.

~~003.01U~~ 002.22 "Trailblazer Signs" (Type A Signs) shall mean business (logo) signs located along the route leading from the Interstate or Primary Highway to qualified businesses.

~~003.01V~~ 002.23 "Traveled Way" shall mean the through traffic lanes of the Interstate or Primary Highway System and shall include exit, entrance ramps and acceleration, deceleration lanes.

~~003.01W~~ 002.24 "Urban Area" shall mean the developed area inside and outside the corporate limits of municipalities with a population of 5,000 or more as shown on the urban area maps on file with the Department of Roads.

~~003.01X~~ 002.25 "Visible," as used in Neb. Rev. Stat., §39-1320.06, 39-1320.07 and 39-1320.09 in reference to advertising signs, displays, or devices, shall mean the message or advertising content of such sign, display, or device is capable of being seen without visual aid by a person of normal visual acuity. A sign shall be considered visible even though the message or advertising content may be seen but not read.

~~003.02~~ 003 ELIGIBILITY REQUIREMENTS

~~003.02A~~ 003.01 The eligibility requirements are applicable to all Type A and Type B Signs erected.

~~003.02B~~ 003.02 Qualified businesses must provide the Department or the Agent with a written assurance of conformity with all Federal and State laws requiring the qualified business to provide its services without regard to race, color, sex, or national origin.

~~003.02C~~ 003.03 Any facility that provides gas, food, lodging or camping that has erected an advertising sign that does not comply with the requirements of Neb. Rev. Stat., 39-1320.02 through 39-1320.15 and the Rules and Regulations, Title 410, Chapter 3, Section 002 shall not be eligible to be identified on any of the logo signs until all illegal signs are removed or brought into conformity with the law.

~~003.02D~~ 003.04 SERVICES PROVIDED - In order to be a qualified business, the business must provide one or more of the following services: gas, food, lodging or camping.

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~~003.02D1~~ 003.04A Such business must also meet the following criteria:

~~003.02D1a~~ 003.04A1 Gas-diesel vehicle service stations shall:

~~003.02D1a(1)~~ 003.04A1a Provide fuel, oil, water and tire repair.

~~003.02D1a(2)~~ 003.04A1b Provide rest room facilities and drinking water.

~~003.02D1a(3)~~ 003.04A1c Provide a telephone available for public use.

~~003.02D1a(4)~~ 003.04A1d Be in continuous operation at least 16 hours per day, 7 days per week, on the Interstate; and 12 hours per day, 7 days per week, on Primary Highways.

~~003.02D1b~~ 003.04A2 Food and restaurant facilities shall:

~~003.02D1b(1)~~ 003.04A2a Be approved and/or licensed by the State Agency or political entity having jurisdiction.

~~003.02D1b(2)~~ 003.04A2b Be in continuous operation to serve three meals per day, seven days per week.

~~003.02D1b(3)~~ 003.04A2c Provide restroom facilities.

~~003.02D1b(4)~~ 003.04A2d Provide a telephone available for public use.

~~003.02D1c~~ 003.04A3 Lodging, motel and hotel facilities shall:

~~003.02D1c(1)~~ 003.04A3a Be approved and/or licensed by the State Agency or political entity having jurisdiction.

~~003.02D1c(2)~~ 003.04A3b Provide a telephone available for public use.

~~003.02D1c(3)~~ 003.04A3c Provide adequate sleeping accommodations.

~~003.02D1d~~ 003.04A4 Camping and campground facilities shall:

~~003.02D1d(1)~~ 003.04A4a Be approved and/or licensed by the State Agency or the political entity having jurisdiction.

~~003.02D1d(2)~~ 003.04A4b Provide modern, sanitary facilities and drinking water.

~~003.02D1d(3)~~ 003.04A4c Provide adequate camping and parking spaces.

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~~003.02D1d(4)~~ 003.04A4d Business signs for campgrounds operated on a seasonal basis will be covered or removed during the off season.

~~003.02E~~ 003.05 LOCATION OF THE BUSINESS

~~003.02E1~~ 003.05A Specific informational signs shall be erected only for qualified businesses located within three miles of the interchange, or intersection, as the case may be, as measured from the gore of the exit ramp, right-turning lane, or intersection, to the nearest point of intersection of the driveway of the qualified business and public highway, except as provided in Sections ~~003.02E2 and 003.02E5~~ 003.05B and 003.05E.

~~003.02E2~~ 003.05B If no qualified business of a specific type exists, or participates in this program, within three miles of the interchange, or intersection, then successive three-mile increments may be considered. If considered, then all qualified businesses within the successive increment may be included, but not to exceed the maximum capacity of the individual service sign.

~~003.02E3~~ 003.05C Gas, food and lodging services located more than six miles from the interchange, or intersection, shall not be eligible for posting.

~~003.02E4~~ 003.05D Camping services located more than 15 miles from the interchange, or intersection, shall not be eligible for posting.

~~003.02E5~~ 003.05E A qualified business located more than three miles from an interchange, or intersection, shall not qualify for posting if a motorist could obtain similar services adjacent to the next interchange or intersection, by traveling fewer miles.

~~003.03~~ 004 SPECIFIC INFORMATIONAL SIGNS

~~003.03A~~ 004.01 LOCATION

~~003.03A1~~ 004.01A Specific informational signs on the Interstate and Category 2 Expressway shall be erected not less than 800 feet in advance of the exit direction sign at the interchanges or intersections.

~~003.03A2~~ 004.01B The exact location of specific informational signs and supplemental directional signs shall be approved by the Department; however, such signs shall be located so as to have the least impact on the scenic environment, and to avoid conflict with other signs within the highway right of way. Lateral clearance and height shall be as specified in ~~2A-23 and 2A-24 of the Manual on Uniform Traffic Control Devices~~ MUTCD and Exhibit C of these Rules and Regulations.

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~~003.03A3~~ 004.01C Specific informational signs on the Primary Highway System, including Category 1 Expressways, shall be erected not less than 300 feet in advance of the edge of the traveled way of the intersecting road or street, or in advance of the gore of the right-turning lane.

~~003.03A4~~ 004.01D Spacing between each specific information sign shall be not less than 800 feet, or more than 1,000 feet, on the Interstate and Primary Highway System.

~~003.03A5~~ 004.01E Specific informational signs shall be displayed as designated in the ~~Manual on Uniform Traffic Control Devices~~, MUTCD Part II-G and these Rules and Regulations.

~~003.03A6~~ 004.01F Specific informational signs shall not be erected at an interchange where an exit ramp is provided but no convenient re-entry ramp exists in the same direction of travel.

~~003.03A7~~ 004.01G Specific informational signs shall not be erected on interchanges where the interchange ramps connect directly to another Interstate Highway.

~~003.03A8~~ 004.01H Specific informational signs shall not be erected in an urban area where interchanges are located two miles or less apart or where the traveler could reasonably expect to find food, fuel, and lodging when leaving the Interstate or Primary Highway System.

~~003.03B~~ 004.02 SIGN DESIGN

~~003.03B1~~ 004.02A Specifications

Specific Informational Signs (Type B)

Note: Exit number shall be displayed at numbered interchanges in place of the directional legend (i.e., "Next Right," etc.)

<u>Type</u>	<u>Legend</u>	<u>Size</u>	<u>Maximum Number of Logos</u>	<u>Logo Size</u>	<u>Illus- tration Number</u>
Single Exit	Gas Next Right	10'x15'	6	36"x48"	4
"	"	6'x15'	3	36"x48"	4
Single Exit	Food Next Right	10'x15'	6	36"x48"	4
"	"	6'x15'	3	36"x48"	4
Single Exit	Food Next Right	10'x13'	4	36"x60"	5
"	"	6'x13'	2	36"x60"	5
Single Exit	Lodging Next Right	10'x15'	6	36"x48"	4
"	"	6'x15'	3	36"x48"	4
Single Exit	Lodging Next Right	10'x15'	4	36"x60"	6
"	"	6'x15'	2	36"x60"	6

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<u>Type</u>	<u>Legend</u>	<u>Size</u>	<u>Maximum Number of Logos</u>	<u>Logo Size</u>	<u>Illus- tration Number</u>
Single Exit	Camping Next Right	10'x15'	4	36"x60"	6
"	"	10'x15'	6	36"x48"	4
"	"	6'x15'	2	36"x60"	6
"	"	6'x15'	3	36"x48"	4
Double Exit	Gas Next Rt./2nd Rt.	12'x15'	6	36"x48"	3 & 8
Double Exit	Food Next Rt./2nd Rt.	12'x16'	4	36"x60"	3 & 8
"	"	12'x16'	6	36"x48"	3 & 8
Double Exit	Lodging Next Rt./2nd Rt.	12'x17'	4	36"x60"	3 & 8
"	"	12'x17'	6	36"x48"	3 & 8
Double Exit	Camping Next Rt./2nd Rt.	12'x17'	4	36"x60"	3 & 8
"	"	12'x17'	6	36"x48"	3 & 8
Combination	Gas-Food Next Right	12'x14'	2-Gas	36"x48"	3 & 7
			2-Food	36"x60"	3 & 7
Combination	Gas-Food Next Right	8'x14'	1-Gas	36"x48"	3 & 7
			1-Food	36"x60"	3 & 7
Combination	Food-Lodging Next Rt.	12'x14'	2-Food	36"x60"	3 & 7
			2-Lodging	36"x60"	3 & 7
Combination	Food-Lodging Next Rt.	8'x14'	1-Food	36"x60"	3 & 7
			1-Lodging	36"x60"	3 & 7
Combination	Lodging-Camping Next Rt.	12'x14'	2-Lodging	36"x60"	3 & 7
			2-Camping	36"x60"	3 & 7
Combination	Lodging-Camping Next Rt.	8'x14'	1-Lodging	36"x60"	3 & 7
			1-Camping	36"x60"	3 & 7
Combination	Gas-Lodging Next Rt.	12'x14'	2-Gas	36"x48"	3 & 7
			2-Lodging	36"x60"	3 & 7
Combination	Gas-Lodging Next Rt.	8'x14'	1-Gas	36"x48"	3 & 7
			1-Lodging	36"x60"	3 & 7
Combination	Food-Camping Next Rt.	12'x14'	2-Food	36"x60"	3 & 7
			2-Camping	36"x60"	3 & 7
Combination	Food-Camping Next Rt.	8'x14'	1-Food	36"x60"	3 & 7
			1-Camping	36"x60"	3 & 7
Combination	Gas-Camping Next Rt.	12'x14'	2-Gas	36"x48"	3 & 7
			2-Camping	36"x60"	3 & 7
Combination	Gas-Camping Next Rt.	8'x14'	1-Gas	36"x48"	3 & 7
			1-Camping	36"x60"	3 & 7

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~~003.03B2~~ 004.02B Sign Material (Type "B" Signs)

~~003.03B2a~~ 004.02B1 Specific informational signs shall be constructed of extrusheet, aluminum horizontally joined panels, called Type "B" Signs (Exhibit B). They shall have reflective blue background (Type III Sheeting), in accordance with the ~~latest edition and revisions of the Manual on Uniform Traffic Control Devices~~ MUTCD, the Nebraska Department of Roads Standard Specifications for Highway Construction, and these Rules and Regulations including tables, illustrations and exhibits.

~~003.03B2b~~ 004.02B2 The high intensity Type III sheeting shall conform with ~~AASHTO~~ ASTM Designation: ~~M-268-84~~ D 4956-95. The legend shall be 10" direct applied copy or demountable button copy.

~~003.03B3~~ 004.02C Structural Supports

~~003.03B3(a)~~ 004.02C1 Signs shall be mounted on structural steel beam breakaway posts fabricated and installed in accordance with the latest edition of the Nebraska Department of Roads Standard Specifications for Highway Construction and Exhibit C.

~~003.03B3(b)~~ 004.02C2 Footings shall be as required in the latest edition of the Nebraska Department of Roads Standard Specifications for Highway Construction and Exhibit C.

~~003.04~~ 005 SUPPLEMENTAL DIRECTIONAL SIGNS

~~003.04A~~ 005.01 The information displayed on specific informational signs must be repeated on supplemental directional signs when the qualified businesses identified on the specific informational signs are not visible by traffic approaching from either the traveled way of the Interstate Highway System, from an interchange ramp, or from a highway intersection.

~~003.04B~~ 005.02 The Department shall determine if a qualified business is visible from either the traveled way of the Interstate Highway System, from an interchange ramp, or from a highway intersection.

~~003.04C~~ 005.03 LOCATION

~~003.04C1~~ 005.03A Supplemental directional signs shall be located on the highway right of way along the interchange ramp or at the ramp terminal, or along the intersecting highway.

~~003.04C2~~ 005.03B The exact location of the supplemental directional signs shall be determined by the Department.

~~003.04D~~ 005.04 SPACING - A minimum of 100 feet is required between successive supplemental directional signs.

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~~003.04E~~ 005.05 ORDER OF DISPLAY - Supplemental directional signs shall be installed in the same order as the specific informational signs.

~~003.04F~~ 005.06 DESIGN

~~003.04F1~~ 005.06A Specifications

Supplemental Directional Signs (Type B)

<u>Legend</u>	<u>Size</u>	<u>Maximum Number of Logos</u>	<u>Logo Size</u>	<u>Illus- tration Number</u>
Gas	5'6"x9'0"	6	24"x18"	9 & 11
Gas	30"x66"	2	24"x18"	9 & 11
Food, Lodging & Camping	5'6"x9'0"	6	24"x18"	9 & 11
Food, Lodging & Camping	56"x76"	4	30"x18"	9 & 11
Food, Lodging & Camping	30"x50"	1	30"x18"	9 & 11

~~003.04F2~~ 005.06B Sign Material - Supplemental directional signs shall be constructed of the same material required for specific informational signs in accordance with these Rules and Regulations including tables, illustrations, and exhibits. The legend shall be 6" high intensity direct applied or demountable button copy.

~~003.04F3~~ 005.06C Structural Supports

~~003.04F3a~~ 005.06C1 Supplemental directional signs shall be mounted on structural steel beam breakaway posts fabricated and installed in accordance with the latest edition of the Nebraska Department of Roads Standard Specifications for Highway Construction and Exhibit C.

~~003.05~~ 006 TRAILBLAZER SIGNS

~~003.05A~~ 006.01 Trailblazer signs, also called Type "A" signs, may be installed along the highway for qualifying businesses, only if the business cannot be seen from the highway.

~~003.05B~~ 006.02 LOCATION

~~003.05B1~~ 006.02A Trailblazer signs may be located on the right of way of the public highway at all intersections where the direction of the route changes or where it might be questionable as to which roadway to follow.

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~~003.05B2~~ 006.02B If conflicts with existing signs should arise, then the exact location of trailblazer signs shall be determined by the Department. (See Illustration 14).

~~003.05C~~ 006.03 ORDER OF DISPLAY - Trailblazer signs shall be erected in the same order as specific informational signs.

~~003.05D~~ 006.04 DESIGN

~~003.05D1~~ 006.04A Trailblazer signs shall conform to the design requirements established by these Rules and Regulations.

~~003.05D2~~ 006.04B Trailblazer signs shall indicate, by arrow, the direction to the qualified business.

~~003.05E~~ 006.05 STRUCTURAL SUPPORTS - Trailblazer signs shall be erected on steel or wood posts, which conform to the requirements of Type "A" Signs, as shown in Illustration 14, and Exhibit A.

~~003.06~~ 007 BUSINESS AND LOGO SIGNS

~~003.06A~~ 007.01 COPY

~~003.06A1~~ 007.01A Only a business name, brand name, trademark, logo, commercial symbol, or combination of these shall be used. If a nationally, regionally or locally recognized commercial symbol, logo or trademark is available, it shall be used in preference to any other form of business identification.

~~003.06A2~~ 007.01B Any message which advertises rather than identifies a business is prohibited. On "GAS" business signs, the word "diesel," and/or a Department approved symbol for liquified petroleum fuel, or a Department approved symbol for diesel, may be included on the business sign.

~~003.06A3~~ 007.01C Messages, logos, symbols, or trademarks which interfere with, imitate, or resemble any official warning or regulatory signs, signals or traffic control devices, or attempt or appear to attempt to direct the movement of traffic are prohibited.

~~003.06B~~ 007.02 DESIGN SPECIFICATIONS

~~003.06B1~~ 007.02A Size

~~003.06B1a~~ 007.02A1 Sign sizes, including the border, if any, shall be as specified in the ~~Manual on Uniform Traffic Control Devices~~ MUTCD and these Rules and Regulations. The corners of the sign shall be trimmed to conform to the required radius as shown in Illustration 13. All edges shall be smooth and free of burrs.

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~~003.06B2~~ 007.02B Color and Size of Figures

~~003.06B2a~~ 007.02B1 The business sign shall have a white message on a blue background. Colors consistent with customary use may be used with nationally, regionally, or locally known symbols or trademarks. The principal legend on the business sign shall be a minimum of four inches in height. Where a symbol or trademark is used alone for the business sign, any legend on the symbol or trademarks shall be in proportion to the size. The business signs shall have a white border. When symbols or trademarks are used alone, the border may be omitted. (See Illustrations 11 & 12)

~~003.06B3~~ 007.02C Material

~~003.06B3a~~ 007.02C1 The sign shall be fabricated from a single sheet of minimum thickness 0.063 aluminum of alloys 6061-T6 or 5052-H38. The aluminum shall be treated before applying the reflective sheeting in accordance with the reflective sheeting manufacturers specifications. (Illustration 13)

~~003.06B3b~~ 007.02C2 High quality Type III reflective sheeting shall be used in all cases and shall be applied with mechanical equipment in accordance with the manufacturers specifications.

~~003.06B3c~~ 007.02C3 Minimum reflective intensity for manufactured colors, after sign fabrication, shall conform to the requirements of the Standard Specification for Retroreflective Sheeting for Traffic Control, ~~AASHTO~~ ASTM Designation: ~~M-268-84~~ D 4956-95. All reflective sheeting for Type A & B signs shall be Type III sheeting.

~~003.06B4~~ 007.02D Mounting

~~003.06B4a~~ 007.02D1 Sign Arrangement - Business (Logo) signs shall be placed on a specific informational sign, having two rows of such signs in order of increasing distance as follows:

Closest, upper left; second, lower left; third, upper center; fourth, lower center; fifth, upper right; sixth, lower right. On specific informational signs with a single row of business signs, individual business signs shall be placed in order of increasing distance from left to right. Relative distance of each qualified business to the interchange shall be determined at the time of lease application. (See Illustrations 1 & 2)

~~003.06B4b~~ 007.02D2 The order of arrangement for business signs on supplemental directional signs and trailblazer signs will be determined by the direction of the arrow. Businesses located on the left shall be designated at the top of the sign as shown in Illustrations 9 and 14.

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~~003.07~~ 008 ADMINISTRATIVE. The Department or the Agent shall give one public notice of intent to erect specific informational sign panels at an interchange or intersection 90 days prior to accepting requests to place business signs on the panels. Said notice of intent shall be published in a legal newspaper of the county or counties where the signs will be erected. Said notice shall specify from whom applications may be requested, and where or to whom said applications must be submitted for consideration.

~~003.07A~~ 008.01 APPLICATION

~~003.07A1~~ 008.01A Requests for space on the informational sign panels may be submitted to the Department or the Agent.

~~003.07A2~~ 008.01B All requests must be made by the owner or authorized representative of a qualified business.

~~003.07A3~~ 008.01C A maximum of six logos each for fuel, food, lodging and camping will be available at any location. (See Illustration 1)

~~003.07A4~~ 008.01D In the event that the requests to place business signs on informational sign panels exceeds the available space, the following criteria shall be used to determine the allocation of spaces on informational sign panels.

~~003.07A4a~~ 008.01D1 In all instances, those businesses nearest to the interchange or intersection will be given priority. "Nearest," or "closer," as used herein, shall be determined as previously described in Sections ~~003.02, 003.02E and 003.02E1~~ 003.003.05 and 003.05A.

~~003.07A4b~~ 008.01D2 The first six applications received from qualified applicants for fuel, food, lodging, and camping shall be selected to place their logo on the informational sign if said applicants meet the minimum criteria set forth in these regulations. The applications may be received by either the Agent or the Department headquarters in Lincoln, Nebraska, whichever is designated in the public notice required in Section ~~003.07~~ 008.

~~003.07A4c~~ 008.01D3 Once the maximum number of similar type businesses are posted on the informational sign panels at an interchange or intersection, other similar type businesses closer to the interchange or intersection shall have priority over the first applicant. The first applicant shall have the right to occupy his space for one year from the date of installation or rental period.

~~003.07A4d~~ 008.01D4 If trailblazer signs are required for a qualified business, they shall be installed at the same time or prior to installing the business sign on the informational sign panels. The Department or the Agent shall determine if trailblazer signs are necessary.

Title 410 ~~411~~- NEBRASKA DEPARTMENT OF ROADS - ~~RIGHT OF WAY~~ TRAFFIC ENGINEERING DIVISION

Chapter 3 ~~4~~ - ~~Sign Permits (Continued)~~ Specific Informational and Business (Logo) Signs

~~003.07B~~ 008.02 MAINTENANCE

~~003.07B1~~ 008.02A The Department or the Agent shall repair or replace within four weeks after damage occurs, any informational sign panels that are destroyed or damaged by act of God or vehicle accident.

~~003.07B2~~ 008.02B The Agent shall be responsible for washing all informational sign panels and business signs on an annual basis or at any time the reflectorized facing becomes dull.

~~003.07B3~~ 008.02C The Agent shall be responsible for conducting an inspection annually on the breakaway mechanism for any dirt or other obstruction that may interfere with the breakaway mechanism. All bolts shall be loosened and retorqued to proper specification.

~~003.07B4~~ 008.02D The Agent shall be responsible for the cost of the relocation of specific informational sign panels for highway improvements and shall complete the relocation within 60 days after notification that the sign must be removed.

~~003.07C~~ 008.03 REMOVAL OF BUSINESS SIGNS AND COVERING SEASONAL SIGNS

~~003.07C1~~ 008.03A The owner of any business sign must be notified by certified mail a minimum of thirty days in advance of the removal of their sign for any cause.

~~003.07C2~~ 008.03B Business signs may be removed for any of the following:

~~003.07C2a~~ 008.03B1 Failure to pay rental fee.

~~003.07C2b~~ 008.03B2 Owning signs that are in conflict with the Nebraska Rules and Regulations for Title 410, Chapter 3, Section 002.

~~003.07C2c~~ 008.03B3 Failure to meet the minimum requirements for each type of business sign set forth in the state statutes, these regulations, and as provided under Section ~~003.07A4~~ 008.01D.

~~003.07C2d~~ 008.03B4 Repeated delinquency as to any of the aforesaid violations.

~~003.07C3~~ 008.03C If a business is closed due to fire, accident, remodeling or other emergencies for more than seven, but not more than 90 days, then the Agent shall have the business sign covered to prevent inconveniencing the traveling public. The business shall not lose its priority or be required to reapply prior to the normal expiration of its contract. Extensions of time beyond 90 days may be granted in such case where insurance claims or financial arrangements require additional time. However, an owner who, due to his or her own negligence, fails to open within the 90-day period may lose his or her right to occupy the informational sign panel.

Title ~~410~~ 411- NEBRASKA DEPARTMENT OF ROADS - ~~RIGHT OF WAY~~ TRAFFIC ENGINEERING DIVISION

Chapter ~~3~~ 4 - ~~Sign Permits (Continued)~~ Specific Informational and Business (Logo) Signs

~~003.07C4~~ 008.03D The Agent shall be responsible for covering, or removing and subsequently reinstalling, the business sign for a campground if the campground is closed during the winter months.

~~003.07D~~ 008.04 MOTORISTS SERVICE SIGN AT INTERSTATE INTERCHANGES

~~003.07D1~~ 008.04A At interchanges on the Interstate System where none of the qualified businesses wish to participate in the program, the Department will maintain the existing motorists service sign.

~~003.07D2~~ 008.04B The motorists service signs at any interchange will be removed by the Department when the first specific informational sign panel is installed.

~~003.07E~~ 008.05 FEES FOR POSTING ON SPECIFIC INFORMATIONAL SIGN PANELS The fee for placing business (logo) signs on specific informational sign panels shall include, but not be limited to: the fair market rental value of the sign site; fabrication, erection, maintenance or servicing of specific informational and business (logo) signs; removal or covering business (logo) signs; other costs associated with the program, and when applicable, reasonable profit for the Agent operating the program. The fee shall include the supplemental directional sign if needed. An additional fee will be charged for trailblazer signs if needed. The fee for each space on the specific informational sign panel shall be the same to all businesses, except that in the category of camping, the annual fee paid by the business may be reduced by the ratio that the number of full or partial months that the facility is closed to public usage bears to the number of months in a year, but the resulting fee shall be not less than 50% of the annual fee. The lease agreement shall be for a term of not less than one year, nor more than five years. It shall specify the cost of trailblazer signs and the covering of seasonal signs and other information that is necessary. Leases shall be paid annually in full in advance.

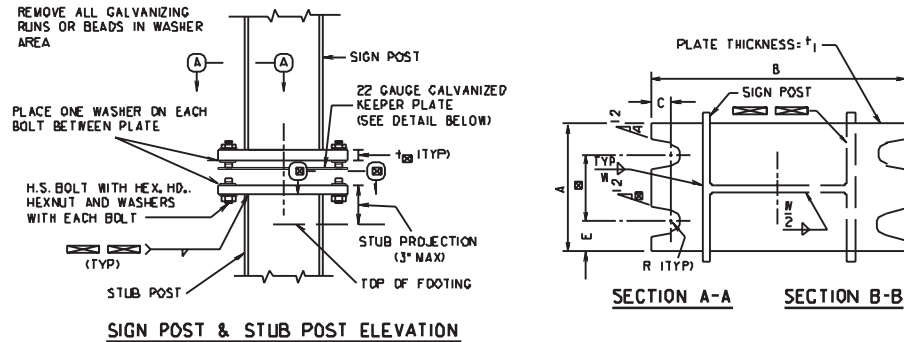
~~003.07F~~ 008.06 OVERSIGHT OF THE AGENT BY THE DEPARTMENT The Department may review all proposed locations for specific informational sign panels to determine if there is a conflict with existing signs or future sign installations. The Department may make spot checks of the leases with the applicant, check businesses for compliance with state statutes and these regulations, and make such audits as may be necessary to determine that the program is operated equitably with the qualified businesses and the Department.

ANNOTATION

**Title ~~410~~ 411
Chapter ~~3~~ 4
Section ~~003~~**

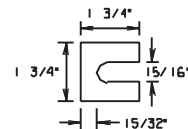
**Enabling Legislation
~~39-634.01, 39-634.02 and~~
~~39-634.03 Neb. Rev. Stat.~~
~~(reissued 1988)~~
39-204, 39-205 and 39-206
Neb. Rev. Stat.**

Title 410 411 - NEBRASKA DEPARTMENT OF ROADS - RIGHT-OF-WAY TRAFFIC ENGINEERING DIVISION
Chapter 3 4 - Sign Permits Specific Informational and Business (Logo) Signs



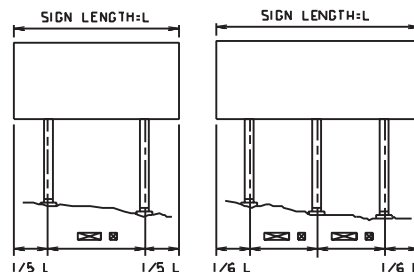
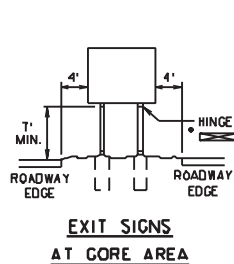
STUB POST BASE CONNECTION TABLE												
SIGN AREA SQ. FT.	POST NO.	W SHAPES	BOLT SIZE, LENGTH & MAX. TORQUE	A	B	C	D	E	T ₁	W	R	* CONNECTION WT. IN LBS.
0-85	I	W6 x 15	3/4" x 3-1/4"	6	10 1/4	3/4"	3 1/2	1 1/4	1	5/16	13/32	88
86-120	II	W8 x 18	80 FT.-LB.	6	12 1/2	3/4"	3 1/2	1 1/4	1	5/16	13/32	105
121-170	III	W8 x 24	7/8" x 4"	8	13 1/8	7/8"	4	2	1 1/4	3/8	15/32	164
171-225	IV	W8 x 31	100 FT.-LB.	8	13 1/4	7/8"	4	2	1 1/4	3/8	15/32	184
OVER 225	V	W8 x 48		8	13 3/4	7/8"	4	2	1 1/4	3/8	15/32	238

* INCLUDES WEIGHTS OF 2 BASE CONNECTION PLATES, BOLTS, WASHERS, STUB POST, FUSE PLATE AND WELDING. WEIGHT OF POST, ABOVE BASE CONNECTION, SHALL BE COMPUTED AND ADDED FOR EACH LOCATION.

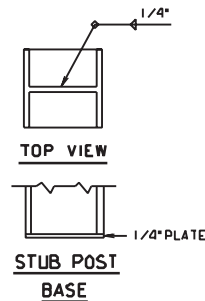


SHIM DETAIL

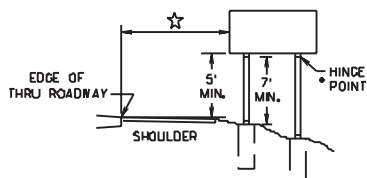
FURNISH 2 $\pm .012$ " THICK AND 2 $\pm .032$ " THICK SHIMS PER POST. SHIMS SHALL BE FABRICATED FROM BRASS SHIM STOCK OR STRIP CONFORMING TO A.S.T.M.-B36.



POST SPACING

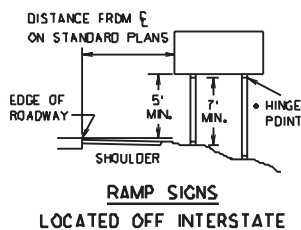


FOR ALL W SHAPES

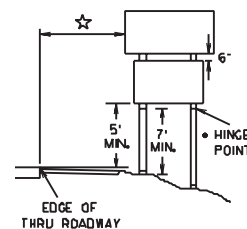


☆ RURAL FREEWAY (INTERSTATE) EDGE OF SIGN SHALL BE LOCATED A MINIMUM OF 35 FT. FROM EDGE OF ROADWAY.
RURAL EXPRESSWAY: EDGE OF SIGN SHALL BE LOCATED A MINIMUM OF 30 FT. FROM EDGE OF ROADWAY.
URBAN FREEWAY (INTERSTATE) OR EXPRESSWAY: EDGE OF SIGN SHALL BE LOCATED A MINIMUM OF 30 FT. FROM EDGE OF THRU ROADWAY.

SIGNS LOCATED ADJACENT TO ROADWAY



• THE HINGE POINT SHOULD BE AT LEAST 7 FEET ABOVE THE GROUND
NO SUPPLEMENTARY SIGN SHALL BE PLACED BELOW THE HINGES

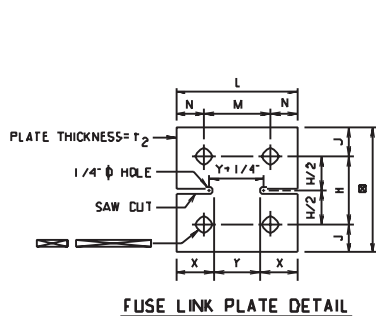


SUPPLEMENTARY SIGN MOUNTING

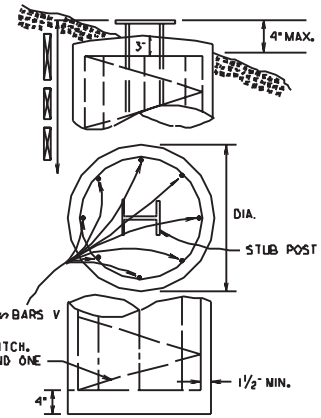
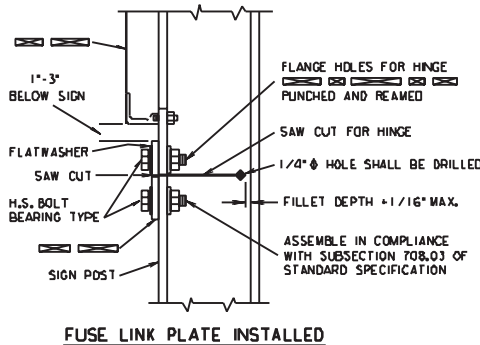
NEBRASKA DEPARTMENT OF ROADS
TRAFFIC ENGINEERING DIVISION

EXHIBIT C 1 of 2
BREAK-AWAY TYPE POST
DETAILS FOR TYPE 'B' SIGNS

Title 410 411 - NEBRASKA DEPARTMENT OF ROADS - RIGHT-OF-WAY TRAFFIC ENGINEERING DIVISION
Chapter 3 4 - Sign Permits(Continued) Specific Informational and Business (Logo) Signs



USE H.S. BOLTS WITH HEX. HD. & HEX. NUT.
ONE FLAT WASHER UNDER EACH BOLT HEAD
AND UNDER EACH NUT.



FUSE LINK PLATE TABLE											BOLT		PLATE	
POST NO.	E	H	J	L	M	N	X	Y	d	t	DIA.	MIN. LENGTH		
I	5 1/4	2 3/4	1 1/4	5	2 3/4	1 1/8	2 1/16	7/8	11/16	3/8	5/8	2 1/4	2.54	
II	5 1/4	2 3/4	1 1/4	5	2 3/4	1 1/8	2 1/16	7/8	11/16	3/8	5/8	2 1/4	2.54	
III	6 1/2	3 1/2	1 1/2	6 1/2	3 1/2	1 1/2	2	2 1/2	15/16	1/2	7/8	2 3/4	5.63	
IV	6 1/2	3 1/2	1 1/2	6 1/2	3 1/2	1 1/2	2	2 1/2	15/16	1/2	7/8	3	5.63	
V	6 1/2	3 1/2	1 1/2	6 1/2	3 1/2	1 1/2	2	2 1/2	15/16	1/2	7/8	3	5.63	

IF MINIMUM BOLT LENGTHS AS SHOWN IN TABLE ARE NOT AVAILABLE, USE NEXT LONGER STANDARD BOLT LENGTH.

FUSE PLATE BOLT TENSION		
BOLT SIZE	REQUIRED MIN. BOLT TENSION (lbs.)	EQUIVALENT TENSION
1/2	12,050	*
5/8	19,200	*
3/4	28,400	*
7/8	39,250	*
1	51,500	*

* SEE NOTE 9

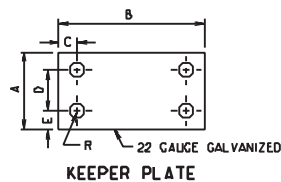
GENERAL NOTES

- REPORTS SHALL BE SUBMITTED TO THE ENGINEER PRIOR TO FABRICATION.
- SIGNS SHALL BE ERECTED SO THE SIGN FACE IS TRULY VERTICAL AND AT A 93° ANGLE (AS 90° TO THE DIRECTION OF TRAFFIC).
- THE FOOTINGS ARE DESIGNED IN CYLINDRICAL SHAPE FOR USE WITH POWER EQUIPMENT. WHERE
- THE SAW CUT FOR THE HINGE SHOULD BE MADE ON THE JOB SITE TO AVOID DEFORMATION OF
- AND ANY DEFORMATION OF THE POST SHALL BE CAUSE OF REJECTING THE POST. IF THE SAW CUT IS FILLED WITH GALVANIZING MATERIAL ON ARRIVAL AT THE JOB SITE THE CONTRACTOR
- RED PAINT COMPLYING WITH SECTION 1071.
- ALL POSTS WITHIN A 7-FOOT PATH SHOULD NOT WEIGH MORE THAN 45 POUNDS PER FOOT

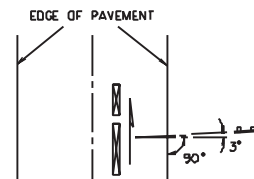
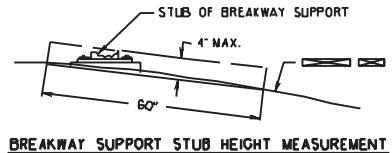
FOOTING TABLE						
I	3'-0"	3"	24"	4'-6"	.52	*4
II	3'-0"	3"	30"	4'-6"	.82	*4
III	3'-0"	3"	30"	5'-0"	.91	*5
IV	3'-0"	3"	36"	5'-6"	1.44	*5
V	3'-0"	3"	36"	5'-6"	1.44	*5

PROCEDURE FOR ASSEMBLY OF BASE CONNECTION

- ASSEMBLE POST TO STUB WITH BOLTS, WITH ONE FLAT
- SHIM AS REQUIRED TO PLUMB POST.
- TIGHTEN ALL BOLTS THE MAXIMUM POSSIBLE WITH 12"
- TURN AND RETIGHTEN IN A SYSTEMATIC ORDER. THIS PROCEDURE SHALL BE REPEATED UNTIL ALL BOLTS HAVE



NOTE: SEE STUB POST BASE CONNECTION TABLE FOR DIMENSIONS.
ALL TABLE DIMENSIONS IN INCHES EXCEPT AS INDICATED.



NEBRASKA DEPARTMENT OF ROADS
TRAFFIC ENGINEERING DIVISION
EXHIBIT C 2 of 2
BREAK-AWAY TYPE POST
DETAILS FOR TYPE 'B' SIGNS

Title ~~410~~ 411- NEBRASKA DEPARTMENT OF ROADS - RIGHT-OF-WAY TRAFFIC ENGINEERING DIVISION

Chapter ~~3~~ 5 - Sign-Permits (Continued) Tourist-Oriented Directional Sign Panels (TODS)

~~004~~ ~~RULES AND REGULATIONS RELATING TO THE ERECTION AND MAINTENANCE OF TOURIST-ORIENTED DIRECTIONAL SIGN PANELS (TODS) WITHIN THE RIGHT-OF-WAY OF RURAL CONVENTIONAL ROADS IN THE STATE OF NEBRASKA.~~ 001 GENERAL. These Rules and Regulations are set forth to adopt the requirements of Sections 39-207 through 39-211, Neb.Rev.Stat. and the federal requirements governing the erection and maintenance of tourist-oriented directional sign panels (TODS) within the right-of-way of Rural Conventional Roads in the State of Nebraska. The requirements set forth by the Federal Highway Administration when authorizing the installation of tourist-oriented directional sign panels within the public right of way are to provide travelers with the business identification and directional information for businesses (including seasonal agricultural products), services and activities, the major portion of whose income or visitors are derived during the normal business season from motorists not residing in the immediate area of the business or activity. They are to provide a service to the traveling public and not to provide an advertising medium for businesses. They are intended for use only on Rural Conventional Roads and shall not be used on freeways and interchanges or expressways. All references to Nebraska Revised Statutes refer to the most recently published Reissue or Supplement.

~~004.01~~ 002 DEFINITIONS: For the purpose of these Rules and Regulations the following definitions are provided:

~~004.01A~~ 002.01 "Activity Plaque" shall mean a sign that displays the identification of a specific qualified activity or business, the distance to the activity, and the directional arrow, and forms a part of a Tourist-Oriented Directional Sign Panel.

~~004.01B~~ 002.02 "Agent" shall mean a person, corporation, or business that enters into a contract with the Department of Roads for the purpose of operating the Tourist-Oriented Directional Signing (TODS) Program.

~~004.01C~~ 002.03 "Annual Fee" shall mean the fair market rental value of the sign site and any cost associated with the fabrication, erection, maintenance or servicing of tourist-oriented directional signs, such costs or criteria therefore being established by contract.

~~004.01D~~ 002.04 "Conforming Advertising Devices" shall mean those devices that have been lawfully erected, as described under Neb.Rev.Stat. 39-1320.02 through 39-1320.15 and the Rules and Regulations Title 410, Chapter 3, Section 002.

~~004.01E~~ 002.05 "Department" shall mean the State of Nebraska Department of Roads.

~~004.01F~~ 002.06 "Directional Advertising Device" shall include, but is not limited to: advertising devices containing directional information about public places owned or operated by federal, state or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. Such devices shall conform to standards promulgated by the Department pursuant to Neb.Rev.Stat. 39-1320.06, which standards shall conform to the national policy.

Title ~~410~~ 411- NEBRASKA DEPARTMENT OF ROADS - ~~RIGHT-OF-WAY~~ TRAFFIC ENGINEERING DIVISION

Chapter ~~3~~ 5 - ~~Sign Permits (Continued)~~ Tourist-Oriented Directional Sign Panels (TODS)

~~004.01G~~ 002.07 "District Office" shall mean the headquarters for any one of the eight geographical subdivisions of the Nebraska Department of Roads.

~~004.01H~~ 002.08 "Erect" shall mean construct or allow to be constructed.

~~004.01I~~ 002.09 "Expressway" shall mean a divided arterial highway for through traffic with full or partial control of access which may have grade separations at intersections.

~~004.01J~~ 002.10 "FHWA" shall mean the Federal Highway Administration, the U.S. Department of Transportation.

~~004.01K~~ 002.11 "Federal Authority" refers to 23 USC 109(d), 315, and 402(a); 49 CFR 1.48(b); and federal requirements.

~~004.01L~~ 002.12 "Gore" shall mean the area immediately beyond the divergence of two traveled ways, bounded by the edges of those traveled ways.

~~004.01M~~ 002.13 "Freeway" shall mean a divided arterial highway designed primarily for through traffic with full control of access and with grade separations at all intersecting road crossings, including all interchanges and approach and exit roads thereto.

~~004.01N~~ 002.14 "Highway" shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

~~004.01O~~ 002.15 "Highway Miles" shall mean the distance in miles calculated by traveling on any highway, as opposed to air miles.

~~004.01P~~ 002.16 "Illegal Sign" shall mean a device erected that does not comply with the requirements of Neb.Rev.Stat. 39-1320.02 through 39-1320.15 and the Rules and Regulations Title 410, Chapter 3, Section 002.

~~004.01Q~~ 002.17 "Immediate Area" shall mean within a 40-mile radius (air miles) as determined by the post office address of the visitor.

~~004.01R~~ 002.18 "Interchange" shall mean a grade-separated intersection with one or more turning roadways for travel between any of the highways radiating from and forming part of such intersection.

~~004.01S~~ 002.19 "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if there are not lateral curb lines, the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles or the area within which vehicles

Title ~~410~~ 411- NEBRASKA DEPARTMENT OF ROADS - ~~RIGHT-OF-WAY~~ TRAFFIC ENGINEERING DIVISION

Chapter ~~3~~ 5 - ~~Sign Permits (Continued)~~ Tourist-Oriented Directional Sign Panels (TODS)

traveling upon different highways joining at any other angle may come in conflict. When a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a highway shall not constitute an intersection.

~~004.01T~~ 002.20 "Interstate Highway System" shall mean any highway included as a part of the Dwight D. Eisenhower National System of Interstate and Defense Highways established by the Federal Aid Highway Act of 1956, and defined in Title 23 of the United States Code and any other subsequent acts of Congress.

~~004.01U~~ 002.21 "Local Authority" shall mean every county, municipal, and other local board or body having power to enact laws, rules or regulations relating to traffic under the Constitution of Nebraska and the laws of the state and generally including the directors of state institutions, the Game and Parks Commission, and all natural resources districts with regard to roads not a part of the state highway system and within the limits of such institution, of an area under Game and Parks Commission control, or of an area owned or leased by a natural resources district, but outside the limits of any incorporated city or village.

~~004.01V~~ 002.22 "MUTCD" refers to the Manual on Uniform Traffic Control Devices and the Nebraska Supplement thereto, adopted in Title 411, Chapter 1, Section 001.01, adopted pursuant to Section 60-6,118 Neb.Rev.Stat.

~~004.01W~~ 002.23 "Maintenance" shall mean to preserve, keep in repair, continue or replace a TODS/activity plaque.

~~004.01X~~ 002.24 "Major Portion of Income or Visitors" shall mean a percentage of the annual income derived from the activity or visitors to the activity during the normal season of the activity. Sales from the use of catalogs, brochures, etc., which do not result in the purchasers presence at the business or activity site shall be excluded from the computation of what constitutes a major portion of income or visitors.

~~004.01X1~~ 002.24A Major portion of income or visitors shall be subdivided as follows:

~~004.01X1a~~ 002.24A1 Businesses Open Seasonally: 50% of the annual income or visitors to the activity.

~~004.01X1b~~ 002.24A2 Businesses Open All Year-Around: 30% of the annual income or visitors to the activity.

~~004.01Y~~ 002.25 "Municipality" shall mean a political entity of the State of Nebraska having corporate status and engaged in exercising some of the functions of government in a limited locality.

Title ~~410~~ 411- NEBRASKA DEPARTMENT OF ROADS - ~~RIGHT OF WAY~~ TRAFFIC ENGINEERING DIVISION

Chapter ~~3~~ 5 - ~~Sign Permits (Continued)~~ Tourist-Oriented Directional Sign Panels (TODS)

~~004.01Z~~ 002.26 "Neb.Rev.Stat." shall mean Nebraska Revised Statutes, as amended.

~~004.01AA~~ 002.27 "Nonconforming Advertising Device" shall mean a sign which was lawfully erected, but which does not now comply with the provisions of the State Law or State Rules and Regulations.

~~004.01BB~~ 002.28 "Normal Season and Normal Business Season" shall mean the period of the year the activity, business, or service is continuously open to the public.

~~004.01CC~~ 002.29 "Official Traffic Control Device" shall mean all signs, signals, markings, and devices placed or displayed by authority of public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

~~004.01DD~~ 002.30 "Owner" shall mean the holder of title or the holder of a leasehold estate or other interests from the owner of real property.

~~004.01EE~~ 002.31 "Qualified Tourist-Oriented Activity" shall mean businesses, services and activities the major portion of whose income or visitors are derived during the normal business season from motorists not residing in the immediate area of the activity and meeting the criteria established by these Rules and Regulations.

~~004.01FF~~ 002.32 "Responsible Operator" shall mean a person or Agent other than an owner who operates a qualified activity and who has authority to enter into agreements relevant to matters covered by these Rules and Regulations.

~~004.01GG~~ 002.33 "Retroreflective" shall mean when light rays strike a surface and are redirected directly back to its source. It is the most commonly used means of making signs visible to the driver at night.

~~004.01HH~~ 002.34 "Roadway" shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event the highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

~~004.01II~~ 002.35 "Route" shall mean particular roads which collectively assist motorists in reaching their destination(s).

~~004.01JJ~~ 002.36 "Rural and Rural Area" shall mean an area outside the limits of any municipality.

~~004.01KK~~ 002.37 "Rural Conventional Road" shall mean all highways and streets which comprise the designated state highway system, further described as 1) all highways or streets outside the limits of any municipality, exclusive of freeways and interchanges on expressways, and 2) all highways or streets within municipalities having a population of forty thousand people or less, exclusive of freeways and interchanges on expressways.

Title ~~410~~ 411- NEBRASKA DEPARTMENT OF ROADS - ~~RIGHT OF WAY~~ TRAFFIC ENGINEERING DIVISION

Chapter ~~3~~ 5 - ~~Sign Permits (Continued)~~ Tourist-Oriented Directional Sign Panels (TODS)

~~004.01LL~~ 002.38 "Seasonal Closure" shall mean when an activity is not open to the public for more than 14 continuous days.

~~004.01MM~~ 002.39 "Seasonal Plaque" shall mean a plaque that must be removed or covered during certain portions of the calendar year based upon seasonal closures of the activity.

~~004.01NN~~ 002.40 "State Signing Standards" shall mean those drawing and specifications published, and adopted for use by the Department.

~~004.01OO~~ 002.41 "Symbol" shall mean the standard designs used in preference to word messages and are as shown in the MUTCD and Standard Highway Signs booklet, published by the U.S. Department of Transportation.

~~004.01PP~~ 002.42 "Tourist" shall mean motorists not residing in the immediate area of the activity.

~~004.01QQ~~ 002.43 "Tourist-Oriented Directional Sign Panels (TODS)" shall mean a traffic control device located within the right-of-way of Rural Conventional Roads bearing separately affixed activity plaques (not to exceed four) which provides specific directional information to qualified activities.

~~004.01RR~~ 002.44 "Trailblazers" shall mean supplemental guidance signs providing directional information from the Rural Conventional Road to a particular activity.

~~004.01SS~~ 002.45 "Urban Area" shall mean the area inside the limits of any municipality.

~~004.01TT~~ 002.46 "Visible" as used in Neb.Rev.Stat. 39-1320.06, 39-1320.07 and 39-1320.09 in reference to advertising signs, displays, or devices, shall mean the message or advertising content of such sign, display, or device is capable of being seen without visual aid by a person of normal visual acuity. A sign shall be considered visible even though the message or advertising content may be seen but not read.

~~004.02~~ 003 ELIGIBILITY REQUIREMENTS

~~004.02A~~ 003.01 The eligibility requirements are applicable to all Tourist-Oriented Directional Sign Panels (TODS) and trailblazers erected.

~~004.02B~~ 003.02 The tourist-oriented activity, before qualifying to appear on a TODS panel, shall provide the Department or Agent with a written assurance of its conformity with all Federal and State laws relating to discrimination based on race, creed, color, sex, national origin, ancestry, political affiliation, religion and its conformity with the Americans with Disabilities Act (ADA). If the activity violates any of such laws, it shall lose its eligibility to appear on a TODS panel.

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~~004.02C~~ 003.03 Any activity that has erected an advertising sign that does not comply with the requirements of Neb.Rev.Stat. 39-1302.2 through 39-1320.15 and the Rules and Regulations Title 410, Chapter 3, Section 002 shall not be eligible to be identified on any of the tourist-oriented directional sign panels until all illegal signs are removed or brought into conformity with the law.

~~004.02D~~ 003.04 The activity also shall not have an official traffic control device which directs motorists to its business.

~~004.02E~~ 003.05 Tourist-oriented directional activity plaques shall include, but not be limited to, signs giving directions to recreational, historical, cultural, educational, or entertainment activities. In addition, unique or unusual commercial or nonprofit activities will also qualify. Each activity shall meet all the eligibility requirements.

~~004.02F~~ 003.06 The activity, service or business (including seasonal agricultural products) must derive the major portion of their income or visitors during the normal business season from motorists not residing in the immediate area of the business or activity. A one-year initial grace period will be allowed for those activities without sufficient records to support the requirements of ~~004.01X~~ 002.24.

~~004.02G~~ 003.07 The activity, service or business must have obtained all required approvals or licenses from the State or local agencies having jurisdiction, including permits or ordinances for the erection of trailblazer signs, when necessary.

~~004.02H~~ 003.08 The activity must be open to the public during the normal season of the activity at least eight hours per day, five days per week. The business week must include a Saturday or a Sunday.

~~004.02I~~ 003.09 The activity shall be conducted in an appropriate building or area. It shall not be conducted in a building principally used as a residence unless there is a convenient and well-marked entrance, except that a "Bed and Breakfast" activity shall be excluded from this requirement.

~~004.02J~~ 003.10 An activity which requires more than three trailblazer signs shall not qualify for a TODS panel.

~~004.02K~~ 003.11 Location of the Activity

~~004.02K1~~ 003.11A The activity or site may be located in a rural area or urban area.

~~004.02K2~~ 003.11B The activity or site must be located within five road miles of the highway, as measured from the gore of the intersection to the nearest point of intersection of the driveway of the qualified activity and the highway.

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~~004.02K3~~ 003.11C An activity which is located more than five and less than 15 miles from a Rural Conventional Road may request a waiver from the Department in order to apply for space on a tourist-oriented directional sign panel. The waiver may be given at the discretion of the Department where the business provides a tourist service different from those located within five miles of the intersection, where it is not located within five miles of another Rural Conventional Road and where no other directional signing is available for the activity.

~~004.02K4~~ 003.11D An activity located on property contiguous to a Rural Conventional Road shall be eligible for straight ahead signing on that Rural Conventional Road only at the intersection nearest to the business. The activity must be located within the distance required by Section ~~004.02K2~~ 003.11B.

~~004.02K5~~ 003.11E Signing for activities in the ahead direction shall be considered only when there is signing for a similar facility in either the right or left direction. The legend AHEAD in appropriate letter size may be used in lieu of directional arrows. The determination for ahead signing shall be made by the Department.

~~004.03~~ 004 TOURIST-ORIENTED DIRECTIONAL SIGN PANELS

~~004.03A~~ 004.01 Location

~~004.03A1~~ 004.01A The location of other official traffic control devices shall at all times take precedence over the location of tourist-oriented directional sign panels (TODS). The signs may be located laterally outside the normal longitudinal alignment of other traffic control signs, but within the right-of-way.

~~004.03A2~~ 004.01B Not more than three TODS panels shall be installed on the approach at any intersection.

~~004.03A3~~ 004.01C One TODS panel shall accommodate all activity plaques for the left-turn direction and one TODS panel will accommodate all activity plaques for the right-turn direction, except as noted in Section ~~004.03B2~~ 004.02B.

~~004.03A4~~ 004.01D One TODS panel for the straight ahead direction shall be allowed per direction of travel, as provided in Sections ~~004.02K4~~ and ~~004.02K5~~ 003.11D and 003.11E. When a TODS panel for the ahead direction is allowed, the TODS panel shall be located to the far right corner of the intersection and shall not obstruct the drivers view of other official traffic control devices.

~~004.03A5~~ 004.01E The exact location of tourist-oriented directional sign panels shall be approved by the Department.

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~~004.03A6~~ 004.01F Advance Signing ("1/2 Mile" or "Next Right or Left") may be installed in special circumstances. It shall be limited to those situations where sight distance, intersection vehicle maneuvers or other vehicle operating characteristics require advance notification of the activity to reduce vehicle conflicts and improve highway safety. The determination of whether advance signing will be allowed, shall be made by the Department. (Illustration 5 and 6)

~~004.03A7~~ 004.01G The intersection approach TODS panel shall be erected a minimum of 200 feet from the intersection except that the ahead sign, if used, shall be located to the far right corner of the intersection and shall not obstruct the view of traffic control devices.

~~004.03A8~~ 004.01H Advance Signing, when used, shall be located approximately 1/2 mile from the intersection with 800 feet between the TODS panels. In the direction of traffic, the order of advance signing shall be for facilities to the left, right and ahead.

~~004.03A9~~ 004.01I Spacing between each TODS panel shall be not less than 200 feet, or more than 500 feet. Spacing between a TODS panel and an official traffic control device shall be not less than 200 feet.

~~004.03B~~ 004.02 Order of Display

~~004.03B1~~ 004.02A In the direction of traffic when approaching an intersection where more than one TODS panel is located, the order of TODS panels shall be:

~~004.03B1a~~ 004.02A1 First, activities signed for the left-turn direction.

~~004.03B1b~~ 004.02A2 Second, activities signed for the right-turn direction.

~~004.03B1c~~ 004.02A3 Third, far right corner of the intersection, activities signed for the AHEAD DIRECTION.

~~004.03B2~~ 004.02B Where the total number of activity plaques to both the right and left are four or less, they may be combined on one TODS panel. When approved activity plaques are attached to one TODS panel, the order of the activity plaques will be:

~~004.03B2a~~ 004.02B1 Top - activities signed for the left-turn direction.

~~004.03B2b~~ 004.02B2 Bottom - activities signed for the right-turn direction.

~~004.03B3~~ 004.02C To the extent consistent with other requirements of this section, seasonal plaques shall occupy the bottom position in a multiple plaque installation. In the event a TODS panel installation

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contains more than one seasonal plaque, the plaque serving the business that has the shorter business season during the calendar year shall have the lower position. When a seasonal plaque is removed or remounted the remaining plaques shall be repositioned to prevent gaps in the TODS panel.

~~004.03G~~ 004.03 TODS Panel Design

~~004.03G1~~ 004.03A TODS panels shall consist of one heading plaque with the legend TOURIST ACTIVITIES and from one to four Activity Plaques. The design shall conform to the requirements of the MUTCD and these Rules and Regulations. (Illustration 1 and 2)

~~004.03D~~ 004.04 TODS Material

~~004.03D1~~ 004.04A Heading plaques and activity plaques shall be fabricated from extrusheet aluminum panels, of the width and length required, conforming to the Standard Specifications for Type B signs, and individually attached to the sign supports. Reflective sheeting with legend and any logo should be affixed directly to the individual extrusheet panels.

~~004.03D2~~ 004.04B Reflective sheeting shall be high quality Type III Reflective Sheeting and shall comply with ~~AASHTO~~ ASTM designation ~~M-268~~ D 4956-95. Type III sheeting shall be applied with mechanical equipment in accordance with manufacturers specifications.

~~004.03D3~~ 004.04C All aluminum shall be treated before applying the reflective sheeting according to the reflective sheeting manufacturers specifications.

~~004.03E~~ 004.05 Structural Supports

~~004.03E1~~ 004.05A TODS panels shall be mounted on wood or steel posts which conform to the ~~1985~~ 1997 edition of the ~~State of Nebraska Standard Specifications for Highway Construction, Section 1056.04 and 1083.02. Following approval of the 1996~~ Nebraska Department of Roads Standard Specifications for Highway Construction, Sections 1071.02 and 1075.06, ~~of that publication shall be applicable.~~ Wood posts shall be 4"x4" or 4"x6" as required. All 4"x6" wood posts shall be drilled to be breakaway as shown in Illustration 12. Steel posts for TODS panels shall be heavy weight, heavy mass, black posts and shall incorporate a breakaway design approved by the Federal Highway Administration.

~~004.03F~~ 004.06 TODS Panel and Trailblazer Locations

~~004.03F1~~ 004.06A Rural Areas - The edge of the signs shall be located a minimum of 15 feet from the travelled lane and five feet above the pavement edge. At intersections, signs located less than 100 feet from the cross road shall be mounted seven feet above the pavement edge.

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~~004.03F2~~ 004.06B Urban Areas - Signs shall be set back at least six feet from the roadway edge where possible, except when conditions inhibit placement of this distance then the minimum distance shall be two feet. In curbed areas, the setback shall be measured from the back of curb. In non-curb sections, the edge of the signs shall be a minimum of six feet from the travelled lane. All signs in urban areas shall be mounted seven feet above the ground level or pavement edge whichever is higher.

~~004.03F3~~ 004.06C Tree Pruning - Trees or other herbaceous material which obscure TODS sign panel or trailblazer sign message shall be pruned to the top elevation of such panel or sign for a distance of 200 feet in advance of such panel or sign. The jurisdiction having authority over the right of way in which the panel or sign is being placed shall be responsible for the pruning activities.

~~004.03F4~~ 004.06D Underground Utilities and Services - The activity and/or the agent shall fully acquaint themselves with the requirement pertaining to any moving or excavation of earth material, and they shall hold harmless the State of Nebraska or its entities. When moving and excavating earth material, the digger must call the Diggers Hotline of Nebraska at 1-800-331-5666.

~~004.04~~ 005 ACTIVITY PLAQUES

~~004.04A~~ 005.01 Each activity shall be limited to one activity plaque for each direction of travel to that activity on the conventional road.

~~004.04B~~ 005.02 The content of the legend shall be limited to the identification of the activity, the distance to the activity, and the directional arrow. Legends shall not contain promotional advertising.

~~004.04C~~ 005.03 Times of operation may be included in the legend only if deemed to be necessary for the convenience of the motorist. This determination shall be made by the Department and shall be final. When times of operation are allowed, they must be incorporated into the two lines of legend.

~~004.04D~~ 005.04 Nationally approved symbols for services may be incorporated as alternates to word messages. Standard General Service symbols (Section 2H), and white Recreational and Cultural Interest Area symbols (Section 2D), as displayed in the MUTCD, may be used to indicate a general class of business.

~~004.04E~~ 005.05 Logos for specific businesses may also be used. The logo shall be reproduced in the colors and general shape consistent with customary use, and any integral legend shall be in proportionate size. No logos shall be permitted that resemble official traffic control devices in any manner.

~~004.04F~~ 005.06 When symbols or logos are used, they must be contained entirely within the border of the activity plaque. If used with a word legend, the symbol or logo shall be placed to the left of the word legend. Activity plaques shall be designed and fabricated in accordance with specifications that will be made available to the applicant by the Department or Agent.

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~~004.04G~~ 005.07 Design

~~004.04G1~~ 005.07A Sign sizes shall be as specified in the ~~Manual on Uniform Traffic Control Devices~~ MUTCD and these Rules and Regulations. All edges shall be smooth and free of burrs.

~~004.04G2~~ 005.07B The activity plaques shall be rectangular in shape and have a blue background with a white legend and border. Each plaque shall be allowed a maximum of two lines of legend and may include one symbol if desired. The legend shall be white on a blue background.

~~004.04G3~~ 005.07C The size of the activity plaques in rural areas shall be 72 inches wide, and 24 inches high. In urban areas, they shall not be less than 48 inches wide and 18 inches high nor more than 72 inches wide and 24 inches high. All physical dimensions shall be exact.

~~004.04G4~~ 005.07D The legend on activity plaques on major highways in rural areas shall be in letters and numerals at least six inches in height, and in urban areas six inches in height, except that in urban areas they may be either six inches or four inches in height, depending on the activity plaque size used in ~~004.04G3~~ 005.07C.

~~004.04G5~~ 005.07E Heading plaques and activity plaques shall be fabricated from extrusheet aluminum panels, of the width and length required, conforming to the standard specifications for Type B Signs, and individually attached to the sign supports. Reflective sheeting with legend and any logo shall be affixed directly to the individual extrusheet panels.

~~004.05~~ 006 TOURIST-ORIENTED DIRECTIONAL TRAILBLAZER SIGNS

~~004.05A~~ 006.01 Trailblazer signs shall be required at all intersections where the direction of the route changes or where it might be questionable as to which highway to follow.

~~004.05B~~ 006.02 No TODS panel shall be erected until adequate trailblazers, as determined by the Department, are in place off the State Highway System.

~~004.05C~~ 006.03 Order of Display

~~004.05C1~~ 006.03A Trailblazer signs shall be erected in the same order as tourist-oriented directional signs.

~~004.05D~~ 006.04 Design

~~004.05D1~~ 006.04A Sign sizes, including the border, if any, shall be as specified in the MUTCD and these Rules and Regulations. The corners of the signs shall be trimmed to conform to the required radius as shown in Illustration 9. All edges shall be smooth and free of burrs.

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~~004.05E~~ 006.05 Material

~~004.05E1~~ 006.05A Trailblazer signs shall be fabricated from a single sheet of minimum thickness 0.10 aluminum of alloys 6061-T6 or 5052-H38.

~~004.05F~~ 006.06 Structural Supports

~~004.05F1~~ 006.06A Trailblazer signs shall be mounted on wood or steel posts which conform to the requirements for Type "A" Signs as shown in Illustrations 11 and 12.

~~004.06~~ 007 COORDINATION OF SPECIFIC INFORMATIONAL (LOGO) SIGNS AND TOURIST-ORIENTED DIRECTIONAL SIGN PANELS (TODS)

~~004.06A~~ 007.01 If tourist-oriented directional sign panels (TODS) and specific informational (LOGO) signs are to be installed at the same intersection, the LOGO signs, presently existing or having the potential to exist within the ensuing two years, will have the higher priority for the first four sign placement positions emanating from the intersection, as defined in Title ~~410~~ 411, Chapter ~~3~~ 4, Section ~~003.03A~~ 004.01 of the approved Rules and Regulations.

~~004.06B~~ 007.02 Tourist-oriented directional sign panels (TODS) will have the right to occupy the fifth and sixth sign placement positions, determined as defined in Section ~~003.03A~~ 004.01, cited above. However, if the Department and its Agent for the LOGO program determine and agree, in writing, that any of the second through fourth positions can be relinquished, TODS panels may occupy these positions.

~~004.06C~~ 007.03 TODS panels and LOGO signs shall not be intermingled or combined on the same sign structure.

~~004.07~~ 008 ADMINISTRATIVE

~~004.07A~~ 008.01 The Department or the Agent shall give one public notice of intent to erect tourist-oriented directional sign panels at an intersection 30 days prior to accepting requests to place activity plaques on the signs. Said notice of intent shall be published in a legal newspaper of the county or counties where the signs will be erected. Said notice shall specify from whom applications may be requested, and where or to whom said applications must be submitted for consideration.

~~004.07B~~ 008.02 Application

~~004.07B1~~ 008.02A Written requests for space on the tourist-oriented directional sign panels shall be submitted to the Department or the Agent.

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~~004.07B2~~ 008.02B All requests must be made by the owner or responsible operator of a qualified activity.

~~004.07B3~~ 008.02C A maximum of four activity plaques each for the left-turn direction, right-turn direction and for the ahead direction will be available at any location.

~~004.07B4~~ 008.02D In the event that the requests to place activity plaques on TODS panels exceeds the available space, the following criteria shall be used to determine the allocation of spaces on TODS panels:

~~004.07B4a~~ 008.02D1 In all instances, those activities nearest to the intersection will be given priority.

~~004.07B4b~~ 008.02D2 The first four applications received from qualified activities shall be selected to place their activity plaque on the TODS if said applicants meet the criteria set forth in these regulations. The applications may be received by either the Agent or the Department headquarters in Lincoln, Nebraska, whichever is designated in the public notice required in Section ~~004.07~~ 008.

~~004.07B4c~~ 008.02D3 Once the maximum number of activities are posted on the TODS panels at an intersection, other similar type activities closer to the intersection shall have priority over the first applicant. The first applicant shall have the right to occupy his or her space for one year from the date of installation or rental period.

~~004.07C~~ 008.03 Audit

~~004.07C1~~ 008.03A At the request of the Department or Agent, the owner or responsible operator of an activity must provide any information and/or documentation available to the owner or responsible operator which demonstrates that the activity derives the major portion of its income or visitors during the normal business season from motorists not residing in the immediate area of the activity. The owner or responsible operator of the activity shall keep, maintain, and make such information and/or documentation available for inspection and audit at any time, following reasonable notice, after an application for a TODS panel has been submitted. The records may include, but are not limited to, guestbooks, attendance records, license plate numbers, tax receipts, and credit card receipts.

~~004.07D~~ 008.04 Maintenance

~~004.07D1~~ 008.04A The Department or Agent shall repair or replace within four weeks after damage occurs, any TODS panels that are destroyed or damaged by act of God or vehicle accident.

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~~004.07D2~~ 008.04B The Agent shall be responsible for washing all TODS panels and activity plaques on an annual basis or at any time the reflectorized facing becomes dull.

~~004.07D3~~ 008.04C The Agent shall be responsible for conducting an inspection annually on any breakaway mechanism for dirt or other obstruction that may interfere with the breakaway mechanism. All bolts shall be loosened and retorqued to proper specification.

~~004.07D4~~ 008.04D The Agent shall be responsible for the cost of the relocation of tourist-oriented directional signs for highway improvements and shall complete the relocation within 60 days after notification that the sign must be removed.

~~004.07E~~ 008.05 Removal of Activity Plaques and Covering Seasonal Activity Plaques

~~004.07E1~~ 008.05A The owner of any activity plaque must be notified by certified mail a minimum of 30 days in advance of the removal of their plaque for any cause.

~~004.07E2~~ 008.05B Activity plaques may be covered or removed for any of the following:

~~004.07E2a~~ 008.05B1 Failure to pay rental fee.

~~004.07E2b~~ 008.05B2 Owning signs, leasing a sign, or leasing space on signs that are in conflict with the Nebraska Rules and Regulations for Title 410, Chapter 3, Section 002.

~~004.07E2c~~ 008.05B3 Failure to meet the minimum requirements as set forth in the state statutes, these regulations, and as provided under Section ~~004.02~~ 003.

~~004.07E2d~~ 008.05B4 Repeated delinquency as to any of the aforesaid violations.

~~004.07E3~~ 008.05C If an activity is closed due to fire, accident, remodeling or other emergencies for more than seven, but not more than 90 days, then the Agent shall have the activity plaque covered to prevent inconveniencing the traveling public. The business shall not lose its priority or be required to reapply prior to the normal expiration of its contract. Extensions of time beyond 90 days may be granted in such case where insurance claims or financial arrangements require additional time. However, an owner who, due to his or her own negligence, fails to open within the 90-day period may lose his or her right to occupy the tourist-oriented directional sign panel.

~~004.07E4~~ 008.05D The Agent shall be responsible for covering, or removing and subsequently reinstalling, the activity plaque for activities operated on a seasonal basis within five working days of the activities closure. Where all of the activities on a tourist-oriented directional sign panel are closed, the entire sign, including posts, shall be removed or the entire sign panel can be covered. In addition, all trailblazer signs shall be removed or covered.

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~~004.07E5~~ 008.05E Sign and panel covers shall be constructed of opaque and reasonably substantial material, bearing no advertising or readable message, and be fastened in such a manner that wind and normal weather conditions will not dislodge, tear, or permit fluttering of the covering. Lost, torn, vandalized, or unsightly coverings shall be replaced as soon as weather and road conditions permit.

~~004.07F~~ 008.06 Fees for Tourist-Oriented Directional Sign Panels

~~004.07F1~~ 008.06A The fee for placing activity plaques on tourist-oriented directional signs shall include, but not be limited to: the fair market rental value of the sign site; fabrication, erection, maintenance or servicing of tourist-oriented directional sign panels and activity plaques; removal or covering activity plaques; other costs associated with the program, and when applicable, reasonable profit for the Agent operating the program. An additional fee shall be charged for required trailblazer signs. The fee for each space on the specific informational sign panel shall be the same to all activities, except seasonal activities. The annual fee paid by the seasonal activity may be reduced by the ratio that the number of full or partial months that the facility is closed to the public usage bears to the number of months in a year, but the resulting fee shall be not less than 50% of the annual fee. The lease agreement shall be for a term of not less than one year, nor more than five years. It shall specify the cost of trailblazer signs and the covering of seasonal plaques and other information that is necessary.

~~004.07G~~ 008.07 Oversight of the Agent by the Department

~~004.07G1~~ 008.07A The Department shall review all proposed locations for tourist-oriented directional signs to determine if there is a conflict with existing signs or future sign installations. The Department may make spot checks of the leases with the applicant, check activities for compliance with state statutes and these regulations, and make such audits as may be necessary.

ANNOTATION

**Title ~~410~~ 411
Chapter ~~3~~ 5
Section ~~004~~**

**Enabling Legislation
39-207 through 39-211
Neb. Rev. Stat.**